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Linda M. Tirelli*
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**Admitted NY, USDC EDNY

September 25, 2018

Hon. Robert D Drain
United States Bankruptcy Judge
United States Bankruptcy Court
300 Quarropas Street
White Plains, NY 10601

RE: In re Susan Farese Ch 13 Case Number 17-23868(rdd)
Loss Mitigation Status Report

Dear Honorable Judge Drain,

Please accept this letter as a status report regarding the ongoing loss mitigation program and response in disagreement with opposing counsel's letter dated September 24, 2018.

I am attaching a series of emails as exhibits to this report. On June 5, 2018, there was a series of FIVE (5) emails exchanged between myself and Ms. Heidbrink (attached as **Exhibit A**). The result of the exchange was as follows:

- a) I did provide a copy of the listing agreement to Ms Heidbrink on June 5, 2018 which she acknowledged receiving;
- b) Ms. Heidbrink mentioned a short sale application, I advised that I did not receive the short sale application and asked that she please forward the application to myself and my paralegal. No further response was received on June 5, 2018.

On June 14, 2016, Ms. Heidbrink sent me an email advising that there is no application required and, as I read her email, unless there is a HUD or sales contract only the listing agreement or MLS printout was needed. Because I already provided the listing agreement 9 days prior on June 5, 2018, I believed that there was nothing left to provide at that time. Ms. Heidbrink's email of June 14, 2018 is attached as **Exhibit B**.

I do not understand opposing counsel's letter of September 24, 2018 to the court stating that no application was received from the Debtor. If there is a non-retention application, we are happy to fill it out and return to opposing counsel. I am operating under the assumption that Ms. Heidbrink researched the issue and learned from her client that there is no application to submit as indicated in her June 14th email.

At this juncture, there was one interested buyer who did go so far as to have the property inspected. Because the buyer wanted the home's oil tank replaced prior to closing and

Ms. Farese does not have funds available to replace the oil tank, the sale is not going through.

After further recent discussions with my client, I learned that prior to the bankruptcy filing, the creditor indicated that it would offer to take a deed in lieu of foreclosure. Given that any buyer is likely to want the oil tank replaced, selling is not going to be easy. The Debtor would like to know her non-retention options in terms of a deed in lieu of foreclosure.

With best regards, I remain

Very truly yours,
/s/ Linda M. Tirelli
Linda M. Tirelli, Esq.

Enclosures

cc: Kate Heidbrink, Esq.

Exhibit “A”



RE: RE: BK Case No. 17-23868/Farese

Linda Tirelli <ltirelli@tw-lawgroup.com>

To: Kate Heidbrink <kheidbrink@logs.com>

Tue, Jun 5, 2018 at 10:49 AM

Cc: Brittany Odzo <bodzo@tw-lawgroup.com>, Deborah Callahan <dcallahan@logs.com>, M Showers <mshowers@tw-lawgroup.com>, Ariane Drew <adrew@logs.com>, "Alexandros E. Tsionis" <atsionis@logs.com>

Attached please find a courtesy copy of the listing agreement. My client wishes to pursue non-retention options as discussed earlier on this thread. I have not heard back from you regarding your client's non-retention options. I will file a motion to retain the broker. Please send my paralegal (cc me) the application for non retention options.

[Quoted text hidden]

Linda M. Tirelli, Esq.
Tirelli & Wallshein, LLP
50 Main Street, Suite 405
White Plains, NY 10606
Phone: (914)732-3222
Fax: (914)517-2696



Linda Tirelli <ltirelli@tw-lawgroup.com>

RE: RE: BK Case No. 17-23868/Farose

Kate Heldbrink <kheldbrink@logs.com>

To: Linda Tirelli <ltirelli@tw-lawgroup.com>

Cc: Brittany Odze <bodze@tw-lawgroup.com>, Deborah Callahan <dcallahan@logs.com>, M Showers <mshowers@tw-lawgroup.com>, Ariane Drew <adrew@logs.com>, "Alexandros E. Tsionis" <atsionis@logs.com>

Tue, Jun 5, 2018 at 2:19 PM

Hi Linda:

There was no attachment—would you please resend?

Thank you,

Kate Heldbrink
Bankruptcy Attorney
kheldbrink@LOGS.com
www.shapiroDicaroBarak.com

Shapiro, DiCaro & Barak, LLC
One Huntington Quadrangle, Suite 3N05
Melville, NY 11747
631-844-9611 ext. 3028 Office
631-844-9525 Fax

Supervisory Contact
Shari Barak
631-844-9611 ext. 3025
sbarak@logs.com

Pursuant to the Fair Debt Collection Practices Act, you are advised that this office is deemed to be a debt collector and any information obtained may be used for that purpose.



Linda Tirelli <ltirelli@tw-lawgroup.com>

RE: RE: BK Case No. 17-23868/Farese


Linda Tirelli <ltirelli@tw-lawgroup.com>

To: Kate Heidbrink <kheidbrink@logs.com>

Tue, Jun 5, 2018 at 2:28 PM

Cc: Brittany Odze <bodze@tw-lawgroup.com>, Deborah Callahan <dcallahan@logs.com>, M Showers <mshowers@tw-lawgroup.com>, Ariane Drew <adrew@logs.com>, "Alexandros E. Tsionis" <atsionis@logs.com>

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 Listing Agreement.docx
2736K



RE: RE: BK Case No. 17-23868/Fareso

Kate Heldbrink <kheldbrink@logs.com>

To: Linda Tirelli <ltirelli@tw-lawgroup.com>

Cc: Brittany Odze <bodze@tw-lawgroup.com>, Deborah Callahan <dcallahan@logs.com>, M Showers <mshowers@tw-lawgroup.com>, Ariano Drew <adrew@logs.com>, "Alexandros E. Tsionis" <atsionis@logs.com>

Tue, Jun 5, 2018 at 2:48 PM

Hi Linda:

Thank you; confirming receipt. You noted that this document is a courtesy copy. Did you send the original to our client?

We also sent detailed instructions re: the short sale process via email on 5/30/18 and 6/1/18. A number of documents are required, including an application. Please confirm receipt of these prior instructions. If necessary, we will be happy to resend.

Thanks again,

Kate Heldbrink
Bankruptcy Attorney
kheldbrink@LOGS.com
www.shapirodicarobarak.com

Shapiro, DiCaro & Barak, LLC
One Huntington Quadrangle, Suite 3N05
Melville, NY 11747
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Supervisory Contact
Shari Barak
631-844-9611 ext. 3025
sbarak@logs.com

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Linda Tirelli <ltirelli@tw-lawgroup.com>

Jun 5,
2018,
2:49 PM

to Kate, Alexandros, Ariane, M, Brittany, Deborah

J meant courtesy in advance of a 363 motion. I dontvrecall Seeing the application can
you please resend to me and my paralegal (cc'd Here)

--

Sent from my iPhone
Linda M Tirelli, Esq.

Exhibit “B”



Linda Tirelli <ltirelli@tw-lawgroup.com>

RE: RE: BK Case No. 17-23868/Farese

Kate Heldbrink <kheldbrink@logs.com>

To: Linda Tirelli <ltirelli@tw-lawgroup.com>

Cc: "Alexandros E. Tsionis" <atsionis@logs.com>, Ariane Drew <adrew@logs.com>, Brittany Odze <bodze@tw-lawgroup.com>, Deborah Callahan <dcallahan@logs.com>, M Showers <mshowers@tw-lawgroup.com>

Thu, Jun 14, 2018 at 11:36 AM

Hi Linda:

Per the results of the hearing held 5/23/18, please note our client's process for reviewing short sale requests is as follows: The sales contract and HUD/closing disclosure will need to be faxed to 877-649-0743. If those documents are not available, the listing agreement or MLS printout can be faxed instead.

In terms of providing a copy of the application, our client has advised there is no application. The documents specified below can simply be faxed with a cover letter that includes the loan number and an explanation that this is a request for a short sale review.

Hope that helps, thank you!

Kate Heldbrink
Bankruptcy Attorney
kheldbrink@LOGS.com
www.shapirodicarobarak.com

Shapiro, DiCaro & Barak, LLC
One Huntington Quadrangle, Suite 3N05
Melville, NY 11747
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Supervisory Contact
Shari Barak
631-844-9611 ext. 3025
sbarak@logs.com

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From: Linda Tirelli [mailto:ltirelli@tw-lawgroup.com]

Sent: Tuesday, June 05, 2018 2:50 PM

To: Kate Heldbrink

Cc: Alexandros E. Tsionis; Ariane Drew; Brittany Odze; Deborah Callahan; M Showers

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